

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	CASE NO. 5:08-CR-322
Plaintiff,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
DIARIS L. MAPP,)	
)	
Defendant.)	<u>ORDER</u>
)	
)	

On February 3, 2009, Defendant Diaris L. Mapp was sentenced to a term of 50 months of imprisonment as to Count 1 of the Indictment, followed by a 3 year term of supervised release as to Count 1 of the Indictment, with standard and special conditions of supervision. Defendant was ordered to pay the \$100.00 special assessment.

On or about March 12, 2014, the Defendant's probation officer submitted a violation report alleging the following violations of the terms of supervised release:

1. Illegal Possession of Drugs - On 01/27/2014, Mapp submitted to a drug test which was positive for marijuana. The results were certified by Alere Laboratories on 02/07/2014.

On 03/11/2014, Mapp submitted to a drug test which was positive for marijuana. Mapp

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admitted to the positive test and signed a Northern District of Ohio Admission Report.

2. Failure to Report a Change in Residences - Mapp has failed to provide a verifiable address.
3. Failure to Report As Instructed - Mapp has failed to report as directed by this officer. Based on a lack of stable residence, Mapp was instructed to report weekly by telephone. He has failed to do so.

On March 24, 2014, Defendant's Probation Officer issued a Supplemental Information Report alleging that:

On March 11, 2014, Mapp reported to this office and submitted a drug test which was positive for Marijuana. Mapp signed a Northern District of Ohio Admission Form, admitting his recent relapse to Marijuana.

The Defendant appeared before Magistrate Judge George J. Limbert for a violation hearing on March 31, 2014, and was represented by counsel, Edward G. Bryan. At the hearing, the Defendant admitted the supervised release violations.

On May 13, 2014, Defendant's Probation Officer issued a Superceding Violation Report alleging that:

1. On 04/21/2014, Mapp was charged with Receiving Stolen Property (RSP)(M1) by Akron Police Department, Akron, Ohio. Charges remain pending in Akron Municipal Court, Akron, Ohio. The next scheduled court date is May 20, 2014 at 10:00 am.
2. On 04/25/2014, warrants were signed by the Akron Police Department for charges of Domestic Violence (F3), Domestic Violence-Menacing (M1), Domestic Violence Unlawful Restraint (M1) and Criminal Trespass (M4). These charges remain pending in Akron Municipal Court, Akron, Ohio.

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On 04/17/2014, Mapp submitted to a drug test which was positive for marijuana. The results were certified by Alere Laboratories on 04/24/2014.

On 04/24/2014, Mapp submitted to an instant drug test which was positive for both marijuana and cocaine. Mapp denied the cocaine result, so the sample was forwarded to Alere Laboratories for confirmation. The results have not yet been received.

On 04/28/2014, Mapp submitted to a drug test which was positive for marijuana. The results were certified by Alere Laboratories on 05/08/2014.

Magistrate Judge Limbert issued his Report and Recommendation on April 1, 2014, finding that Defendant admitted to the violations in the March Reports, and recommending that this Court adopt the finding. This Court adopted Magistrate Judge Limbert's Report and Recommendation at the final hearing held on May 13, 2014, and found that Defendant violated the terms of his supervised release. Defendant denied the new law violations.

The Court ordered a 30-day suspension of the final hearing to allow Defendant the opportunity to address the new law violations.

The Court further ordered that the Defendant shall have absolutely no contact with his former girlfriend or her daughter. A detainer shall be placed on Defendant. If Defendant is released by Akron Law Enforcement Officials, the U.S. Marshals Service shall deliver him to a halfway house or other community-based facility as arranged by the Probation Officer. Defendant shall become gainfully employed, and will undergo all mental health and substance abuse treatment as recommended by the Probation officer.

The final hearing and sentencing is reset for 6/12/2014 at 2:30 p.m., unless waived. Defendant shall remain on his 3-year term of supervised release, with the same standard and

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special conditions of release imposed, in addition to that imposed herein.

IT IS SO ORDERED.

May 19, 2014
Date

s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge